

**IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION**

**COVESTRO, LLC  
Plaintiff,**

**v.**

**Civil Action No.: 18-C-202  
Presiding Judge: Wilkes  
Resolution Judges: Carl and Nines**

**AXIALL CORPORATION,  
ALLTRANSTEK, LLC, and  
RESCAR COMPANIES,  
Defendants,**

**and**

**AXIALL CORPORATION,  
Third-Party Plaintiff,**

**v.**

**SUPERHEAT FGH SERVICES, INC.,  
Third-Party Defendant.**

**---CONSOLIDATED WITH---**

**AXIALL CORPORATION,  
Plaintiff,**

**v.**

**Civil Action No. 18-C-203  
Presiding Judge: Wilkes  
Resolution Judges: Carl and Nines**

**ALLTRANSTEK LLC, RESCAR, INC.  
t/d/b/a RESCAR COMPANIES, and  
SUPERHEAT FGH SERVICES, INC.,  
Defendants.**

**ORDER DENYING PLAINTIFF COVESTRO LLC'S EMERGENCY MOTION TO  
STRIKE DEFENDANT AXIAL CORPORATION'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT ON THE ISSUE OF MEASURE OF DAMAGES AND  
MOTION FOR SUMMARY JUDGMENT ON COVESTRO'S LIABILITY CASE AND  
REQUEST FOR EXPEDITED HEARING**

AND NOW, this 22nd day of April, 2022, upon consideration of Plaintiff Covestro LLC's Motion to Strike the Motion for Partial Summary Judgment on the Issue of Measure of Damages, as well as the Motion for Summary Judgment on Covestro's Liability Case submitted by Defendant, Axial Corporation, the response to the same by Plaintiff Axial Corporation, and the subject motions for summary judgment filed by Axial, the Court concludes good cause has not been shown to strike said motions, and it is hereby ORDERED, ADJUDGED, and DECREED that said Motion to Strike is DENIED.

However, the Court GRANTS the request of Covestro to extend the Response deadline. Accordingly, the Court ORDERS the Response deadline for all non-moving parties to the subject Motions for Summary Judgment shall be May 20, 2022. Thereafter, the movant will have ten (10) days to file a Reply brief, if it chooses.

The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, and to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

April 22, 2022  
date of entry

  
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JUDGE CHRISTOPHER C. WILKES  
JUDGE OF THE WEST VIRGINIA  
BUSINESS COURT DIVISION